

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



STEVE BULLOCK  
GOVERNOR

DIRECTOR'S OFFICE (406) 444-2074  
TELEFAX NUMBER (406) 444-2684

## STATE OF MONTANA

WATER RESOURCES DIVISION (406) 444-6601  
TELEFAX NUMBERS (406) 444-0533 / (406) 444-5918  
<http://www.dnrc.mt.gov>

1424 9<sup>TH</sup> AVENUE  
PO BOX 201601  
HELENA, MONTANA 59620-1601

June 30, 2020

Ladies and Gentlemen:

The enclosed Notice of Decision is completed for the Painted Rocks Dam Toe Access Project Final Environmental Assessment (EA). The Final EA and Notice of Decision can be viewed on the DNRC website at [www.dnrc.mt.gov/public-interest/environmental-docs](http://www.dnrc.mt.gov/public-interest/environmental-docs) in the Environmental Documents section.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jan Langel".

Jan Langel  
Water Resources Division Administrator

## NOTICE OF DECISION

JUNE 30, 2020

Dear Reader:

On May 7<sup>th</sup>, 2020, the Montana Department of Natural Resources and Conservation (DNRC) released a draft Environmental Assessment (EA) on the Painted Rocks Dam Toe Access Project. The DNRC intends to provide permanent vehicular access to the toe of Painted Rocks Dam in Ravalli County, Montana. The DNRC compared five alternatives as part of their compliance with the Montana Environmental Policy Act (MEPA). A road alignment (Alternative 2) that will provide access to the toe of the dam from an approach road off Montana State Highway 473 (West Fork Road) and which will use a new bridge to cross the West Fork Bitterroot River was selected as the preferred alternative. Construction of the improved access road and bridge is anticipated to occur in Fall 2021. The bridge will likely consist of a pre-manufactured bridge (i.e. pre-stressed concrete, steel girder, etc.) and will span the width of the river.

The purpose of the access road improvements project is to provide permanent vehicular access to the toe of Painted Rocks Dam. A permanent access road is proposed to be constructed in the same relative alignment as the existing primitive road. The need for a new bridge has also been identified to avoid fording the West Fork Bitterroot River, thus minimizing impacts to aquatic resources. Permanent access to the toe of the dam is needed for any future rehabilitation work to the dam's spillway and outlet works. The access road and bridge will also be used to support future operations and maintenance activities for the spillway and outlet works and construction of interim repairs to the spillway chute and outlet works.

The EA was distributed (and posted on the DNRC website) for a thirty-day comment period. The official comment period closed on June 8<sup>th</sup>, 2020. The only inquiry made during the comment period was from the Montana State Historic Preservation Office (SHPO). No additional comments were received.

### SHPO:

To summarize, SHPO requested clarification of the project's scope to clearly define that the toe access project is independent from the potential future dam rehabilitation project. Both projects were discussed in the *Painted Rocks Dam and Reservoir Project, Ravalli County, Montana: Results of Intensive and Reconnaissance Cultural Resources Surveys*, an unpublished report submitted to DNRC by AECOM of Greenwood Village, Colorado. The Cultural Resource Survey report is referenced in the EA. A formal comment letter from SHPO was not provided. Dr. Gordon Tucker, AECOM's Senior Archaeologist, held a telephone conference with SHPO staff to discuss issues in the draft EA that required clarification.

SHPO's request did not change the results presented in the Final EA, but rather clarified that the analysis for cultural and historic resources was only within the access road project area. In response to SHPO comments, determinations of NRHP eligibility and effect were incorporated into the Final EA for the project. The Final EA states that direct impacts from project activities

associated with access road improvements will not adversely affect that portion of the historic Darby-Alta Road in the project area because it lacks sufficient integrity to be considered eligible for listing in the NRHP.

Future Action:

Based on the EA's disclosure and analysis of potential impacts and the comments received, the DNRC concludes that the proposed action will not result in any significant impacts. The DNRC will issue this Notice of Decision and the Final EA. Where there are discrepancies between the Notice of Decision and Final EA, the Notice of Decision controls.

Future Actions to accomplish the implementation of this project are:

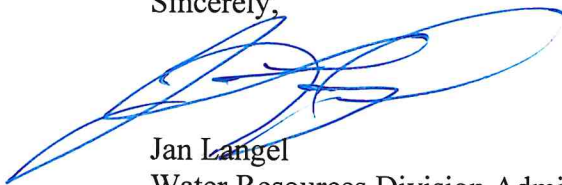
- Complete additional geotechnical investigations as required to complete project designs.
- Complete project design details and prepare construction drawings and specifications.
- Prepare and submit Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Water Bodies and obtain all necessary permits and landowner permission before beginning work.
- Advertise for bids, select a construction contractor and implement project construction.

Copies of the Final EA are available upon request. The Final EA and Notice of Decision can be viewed on the DNRC website at [www.dnrc.mt.gov/public-interest/environmental-docs](http://www.dnrc.mt.gov/public-interest/environmental-docs) in the Environmental Documents section. Please direct questions to:

Sanna M. Yost, P.E.  
State Water Projects Bureau  
MT DNRC, 1424 9<sup>th</sup> Ave., P.O. Box 201601  
Helena, MT 59620-1601  
(406) 444-6665 e-mail: [syost@mt.gov](mailto:syost@mt.gov)

Thank you for your interest.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jan Langel', is written over the printed name.

Jan Langel  
Water Resources Division Administrator

## **Painted Rocks Dam Toe Access Road Improvement Project EA Distribution List**

Governor's Office, State Capitol, P.O. Box 200801, Helena, MT 59620-0801  
Environmental Quality Council, Capitol Building, P.O. Box 201704, Helena, MT 59620-1704  
Montana Dept. of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901  
Director's Office  
Montana Dept. of Natural Resources and Conservation, 1539 11th Ave. Helena, MT 59620  
Director's Office  
Public Information Officer  
Water Resources Division, 1424 9th Ave., P.O. Box 201601, Helena, MT 59620-1601  
Jim Nave, Missoula Regional Office, P.O. Box 5004 Missoula, MT 59806-5004  
Montana Department of Fish, Wildlife & Parks, 1420 E. 6th Ave. Helena, MT 59620  
Director's Office  
Pat Saffel, DFWP Region 2 Office, 3201 Spurgin Road, Missoula, MT 59804  
Montana State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620  
Montana State Historic Preservation Office, P.O. Box 201202 Helena, MT 59620-1201  
U.S. Army Corps of Engineers, 10 W. 15th St. Suite 2200, Helena, MT 59626  
U.S. Fish and Wildlife Service, MT Field Office, 585 Shepard Way, Suite 1, Helena, MT 59601  
U.S.D.A Forest Service, Bitterroot National Forest, 1801 N. 1<sup>st</sup> Street, Hamilton, MT 59840  
West Fork Ranger District, 6735 West Fork Road, Darby, MT 59829  
Ravalli County Commissioners, 215 South 4<sup>th</sup> Street, Suite A, Hamilton, MT 59840  
Ravalli County Floodplain Manager, 215 South 4<sup>th</sup> Street, Suite F, Hamilton, MT 59840  
Ravalli County Emergency Management, 205 Bedford Street, Suite J, Hamilton, MT 59840  
Mr. J.R. Iman, President, Painted Rocks Water Users Association, 774 Hwy. 93N, Hamilton, MT 59840  
Mr. Rodger Raynal, Vice President, Painted Rocks Water Users Association, PO Box 957, Corvallis, MT 59828  
Ms. Rhonda King, Secretary, Painted Rocks Water Users Association, 283 McCarthy, Hamilton, MT 59840  
Carol Mavros, Land Owner, 334 Brayton Way, Florence, MT 59833-6851  
Jeffrey and Anita Degen, Land Owner, 3000 E. Marion Street, Seattle, WA 98122-5058  
Eric and Becky Nickish, Land Owner, 130 Painted Rocks Ln, Darby, MT 59829  
Bradley Berry, Land Owner, 3181 Evans Ridge Rd, Missoula, MT 59803-9684  
Noelle Naiden, Land Owner, 5141 Elk Ridge Rd, Missoula, MT 59802  
Thomas and Pauline Duke, Land Owner, 120 Palm Cir, Atlantis, FL 33462  
Representative David Bedey HD86 PO Box 692 Hamilton, MT 59840-0692  
Senator Jason Ellsworth SD43 1073 Golf Couse RD Hamilton, MT 59840-9230  
Representative Theresa Manzella HD85 640 Gold Creek Loop Hamilton, MT 59840-9742